

REMARKS / DISCUSSION OF ISSUES

Claims 1-12 and 14-29 are pending in the application.

Claim 22 is amended for non-statutory reasons, to correct a typographical error. The claims are not narrowed in scope and no new matter is added. Entry after final action is proper because the scope of the claims is not changed and no further searching is required.

The Office action fails to identify the status of claims 9-12 and 17-29. If the applicants' arguments are not found to be persuasive for allowing all claims, the applicants respectfully request a subsequent Office action that provides a proper status of the claims, to enable the applicants to address each claim in a subsequent response or appeal.

The Office action rejects claims 1-8 and 14-16 under 35 U.S.C. 103(a) over Sanford et al. (USP 6,580,657, hereinafter Sanford). The applicants respectfully traverse this rejection.

Sanford does not disclose a specified voltage range that is above a fusing voltage and below a leakage threshold voltage, within which voltage range the risk of short circuits between the electrodes is reduced, as specifically claimed in claim 1, upon which claims 2-12 depend. Claim 14, upon which claims 15-21 depend, includes similar features.

The Office action asserts that Sanford teaches a specified voltage range that is above a fusing voltage and below a leakage threshold voltage to a light emitting element at column 7, lines 6-29. The applicants respectfully disagree with this assertion. At the cited text, Sanford teaches:

"OLED 70 is reverse-biased by opening switch 30, thus interrupting flow of current from current source 20, closing switch 50 and switching V2 from a negative voltage to a positive voltage. Closing switch 50 grounds the source 64 and n-well of PMOS transistor 60. The drain 62 of PMOS transistor 60 is a p-diffusion. When V2 is switched to a positive voltage, current flows from V2, through OLED 70 PMOS transistor 60 and switch 50. Through PMOS transistor 60 and closed switch 50, the anode 72 of OLED 70 is held at one diode voltage drop above ground. The reverse-bias voltage across OLED 70 is the positive voltage of V2 minus one diode drop.

Reverse biasing of an OLED does not need to be performed at frequent intervals. Instead, it can be performed at irregular intervals or when a display is not being viewed. For example, in a wristwatch display, the OLED may be driven during the day in a normal forward bias manner, and at night, when the image on the display is OFF, the OLED voltage can be reverse-biased. As another example, the OLED can be reverse-biased during a pulse width modulation brightness control cycle when the OLED is turned OFF."

As is clearly evident, the cited text of Sanford does not address a fusing voltage, and does not address a leakage threshold voltage, and specifically does not disclose a specified voltage range that is above such a fusing voltage and below such a leakage threshold voltage.

The applicants respectfully note that it is the duty of the Examiner to specifically identify each and every element and limitation of a claim in the cited reference as per 37 CFR 1.104(c)(2) and MPEP 707, which explicitly state that "the particular part relied on must be designated" and "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." In this rejection, the Office action fails to identify which element of Sanford is asserted to correspond to a fusing voltage, fails to identify which element of Sanford is asserted to correspond to a leakage threshold voltage, and fails to identify an action in Sanford corresponding to applying a voltage within a voltage range that is above a fusing voltage and below a leakage threshold voltage.

Further, the Office action acknowledges that Sanford does not disclose that the claimed voltage range, between the fusing voltage and leakage threshold voltage, reduces the risk of short circuits between the electrodes, and asserts that "it is obvious to one of skill in the art that voltage needs to be applied within certain range in order to reduce the risk of short circuits between the electrodes" (Office action page 3, lines 6-7). The applicants respectfully disagree with this assertion.

Sanford acknowledges the fact that OLEDs are susceptible to shorts in Sanford's background of the invention (Sanford, column 1, lines 48-57), but does not subsequently address techniques for reducing the risk of such shorts. Sanford accepts the fact that shorts occur and teaches techniques for avoiding the higher power consumption and increased temperature that such shorts produce (Sanford, column 2, lines 49-53).

Conventionally, an upper limit to an applied voltage is defined to reduce the risk of creating a short between electrodes. One of skill in the art at the time that this application was filed would not assume that the application of a low voltage could increase the risk of creating a short, and would not specify a lower limit to an applied voltage to reduce the risk of creating a short.

MPEP 2144 states:

"In certain circumstances where appropriate, an examiner may take official notice of facts not in the record or rely on "common knowledge" in making a rejection, however such rejections should be judiciously applied.

Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961))."

The Office action fails to provide any evidence to support the assertion that it was known to avoid applying a low voltage to reduce the risk of shorts at the time this application was filed. The applicants respectfully maintain that the Office action's assertion is contrary to the accepted common wisdom at the time that this invention was filed, that shorts are produced by high voltage, not low voltage.

Because Sanford does not disclose a specified voltage range that is above a fusing voltage and below a leakage threshold voltage, within which voltage range the risk of short circuits between the electrodes is reduced, as claimed by the applicants, and because the Office action fails to identify where Sanford or other prior art provides this teaching, the applicants respectfully maintain that the rejection of claims 1-8 and 14-16 under 35 U.S.C. 103(a) over Sanford is unfounded, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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